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24 OCT 2005

PTO/SB/01 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted With Initial Filing **OR** ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	2388.0010000/SRL/BLS
First Named Inventor	Wolfgang MEDER
COMPLETE IF KNOWN	
Application Number	U.S. National Phase of PCT/EP2003/011799
Filing Date	Int'l Filing Date: October 24, 2003
Art Unit	(to be assigned)
Examiner Name	(to be assigned)

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Human Chondroosteomodulin (TIG2), Production, and Use for the Treatment or Diagnosis of Bone Diseases, Cartilage Diseases, Obesity, Inflammatory Diseases, and Skin Diseases

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) **October 24, 2003** as United States Application Number or PCT International

Application Number **PCT/EP2003/011799** and was amended on (MM/DD/YYYY) **April 29, 2005** (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
102 51 205.1	Germany	October 31, 2002	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:



The address associated with Customer Number:

26111OR ☐

Correspondence address below

Name

Sterne, Kessler, Goldstein & Fox P.L.L.C.

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Wolfgang

Family Name or Surname

MEDER

Inventor's Signature

Wolfgang Kessler

Date

19 June 2005

Residence: City

State

Country

Germany

Citizenship

Germany

Mailing Address c/o IPF Pharmaceuticals GmbH, Feodor-Lynen-Str. 31

City

Hannover

State

Zip

30625

Country

Germany

NAME OF SECOND INVENTOR:

A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Martin

Family Name or Surname

WENDLAND

Inventor's Signature

Martin Wendland

Date

3rd of July 2005

Residence: City

State

Country

Germany

Citizenship

Germany

Mailing Address c/o IPF Pharmaceuticals GmbH, Feodor-Lynen-Str. 31

City

Hannover

State

Zip

30625

Country

Germany



Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION**ADDITIONAL INVENTOR(S)**
Supplemental SheetPage 1 of 2

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
300 Harald		JOHN	
Inventor's Signature <i>H. Harald</i>		Date <i>07 July 2007</i>	
Residence: City	State	Germany Country	Germany Citizenship
c/o IPF Pharmaceuticals GmbH, Feodor-Lynen-Str. 31			
Mailing Address			
City <u>Hannover</u>	State	30625 Zip	Germany Country <i>DEX</i>
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
400 Rudolf		RICHTER	
Inventor's Signature <i>R. Richter</i>		Date <i>09.09.05</i>	
Residence: City	State	Germany Country	Germany Citizenship
c/o IPF Pharmaceuticals GmbH, Feodor-Lynen-Str. 31			
Mailing Address			
City <u>Hannover</u>	State	30625 Zip	Germany Country <i>DEX</i>
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
500 Markus		MEYER	
Inventor's Signature <i>M. Meyer</i>		Date <i>12.09.05</i>	
Residence: City	State	Germany Country	Germany Citizenship
c/o IPF Pharmaceuticals GmbH, Feodor-Lynen-Str. 31			
Mailing Address			
City <u>Hannover</u>	State	30625 Zip	Germany Country <i>DEX</i>

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DECLARATION**ADDITIONAL INVENTOR(S)**

Supplemental Sheet

Page 2 of 2

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Wolf-Georg		FORSSMANN	
Inventor's Signature <i>Wolf by F</i>		Date <i>2005-08-09</i>	
Residence: City	State	Country	Citizenship
c/o IPF Pharmaceuticals GmbH, Feodor-Lynen-Str. 31			
Mailing Address			
<u>Hannover</u>		30625	Germany <i>DEX</i>
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

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POWER OF ATTORNEY FROM ASSIGNEE WITH DELEGATION

IPF Pharmaceuticals GmbH, a corporation of Germany, having a principal place of business at Feodor-Lynen-Str. 31, Hannover, Germany 30625, is assignee of the entire right, title, and interest for the United States of America (as defined in 35 U.S.C. §100), by reason of an Assignment to the Assignee executed on 6/19/05, 7/2/05, 7/5/05, 9/5/05

SRL Ref 238,203 10/24/05
9/12/05 and 9/9/05, respectively of an invention known as **Human Chondroosteomodulin (IG2), Production, and Use for the Treatment or Diagnosis of Bone Diseases, Cartilage Diseases, Obesity, Inflammatory Diseases, and Skin Diseases** (Attorney Docket No.2388.0010000/SRL/BLS); that is disclosed and claimed in a patent application of the same title by the inventors Wolfgang MEDER, Martin WENDLAND, Harald JOHN, Rudolf RICHTER, Markus MEYER and Wolf-Georg FORSSMANN (said application filed as an international application under the Patent Cooperation Treaty on October 24, 2003, having Application Number PCT/EP2003/011799, U.S. national phase Application Number 10/533,300).

For the purpose of PAIR, the Customer Number is **26111**.

The Assignee hereby appoints the patent attorneys and agents associated with **CUSTOMER NUMBER 26111** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith. The Assignee hereby grants said patent attorneys and agents associated with Customer Number 26111 the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

The Assignee hereby authorizes the patent attorneys and agents to accept and follow instructions from von Kreisler Selting Werner, Deichmannhaus am Dom, Bahnhofsvorplatz 1, D-50667 Köln, Germany as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the patent attorneys and agents and the Assignee. In the event of a change in the persons from whom instructions may be taken, the patent attorneys and agents named herein will be so notified by the Assignee.

Send correspondence to:

Customer Number 26111
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
U.S.A.

Direct phone calls to 202-371-2600.

FOR: IPF Pharmaceuticals GmbH
SIGNATURE: [Signature]
BY: MARKUS MEYER
TITLE: MANAGING DIRECTOR
DATE: 13.09.2005

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STATEMENT UNDER 37 CFR 3.73(b)

2388.0010000/SRL/BLS

Applicant/Patent Owner: Wolfgang MEDER, Martin WENDLAND, Harald JOHN, Rudolf RICHTER, Markus MEYER and Wolf-Georg FORSSMANN

Application No./Patent No.: See 1 in Addendum Filed/Issue Date: See 2 in Addendum

Entitled: See 3 in Addendum

IPF Pharmaceuticals GmbH, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

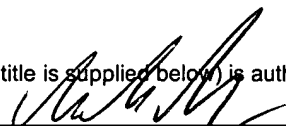
1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

MARKUS MEYER
Printed or Typed Name

Title

MANAGING DIRECTOR

13.09.2005
Date

+49 511 54660
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: **Wolfgang MEDER, Martin WENDLAND, Harald JOHN, Rudolf RICHTER, Markus MEYER and Wolf-Georg FORSSMANN**, hereby sell and assign to **IPF Pharmaceuticals GmbH**, a corporation formed under the laws of Germany, whose mailing address is Feodor-Lynen-Str. 31, Hannover, Germany 30625 (hereafter referred to as the Assignee), his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages, for the United States of America (as defined in 35 U.S.C. § 100) and throughout the world,

(a) in the invention(s) known as **Human Chondroosteomodulin (TIG2), Production, and Use for the Treatment or Diagnosis of Bone Diseases, Cartilage Diseases, Obesity, Inflammatory Diseases, and Skin Diseases** for which application(s) for patent in the United States of America was filed as an international application under the Patent Cooperation Treaty on October 24, 2003 (also known as United States Application No. 10/533,300, which is the U.S. national phase of PCT/EP2003/011799), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including non-provisional applications, continuing (continuation, divisional, or continuation-in-part) applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventors agree to execute all papers necessary in connection with the application(s) and any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

The undersigned inventors agree to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue or

Atty. Dkt. 2388.0010000/SRL/BLS

reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventors hereby represent that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventors hereby grant Robert Greene Sterne, Esq., Registration No. 28,912; Edward J. Kessler, Esq., Registration No. 25,688; Jorge A. Goldstein, Esq., Registration No. 29,021; David K.S. Cornwell, Esq., Registration No. 31,944; Robert W. Esmond, Esq., Registration No. 32,893; Tracy-Gene G. Durkin, Esq., Registration No. 32,831; Michele A. Cimbala, Esq., Registration No. 33,851; Michael B. Ray, Esq., Registration No. 33,997; Robert E. Sokohl, Esq., Registration No. 36,013; Eric K. Steffe, Esq., Registration No. 36,688; Michael Q. Lee, Esq., Registration No. 35,239; Steven R. Ludwig, Esq., Registration No. 36,203; John M. Covert, Esq., Registration No. 38,759; Linda E. Alcorn, Esq., Registration No. 39,588; Donald J. Featherstone, Esq., Registration No. 33,876; Robert C. Millonig, Esq., Registration No. 34,395; Michael V. Messinger, Esq., Registration No. 37,575; Judith U. Kim, Esq., Registration No. 40,679; Timothy J. Shea, Jr., Esq., Registration No. 41,306; Patrick E. Garrett, Esq., Registration No. 39,987; Jeffrey Helvey, Registration No. 44,757; Heidi L. Kraus, Registration No. 43,730; Eldora Ellison, Registration No. 39,967; Thomas C. Fiala, Registration No. 43,610; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventors on the date opposite his/her name.

Date: 19. June 2005

Signature of Inventor: Wolfgang Meder
Wolfgang MEDER

Date: 3rd of July 2005

Signature of Inventor: Martin Wendland
Martin WENDLAND

Date: or July 2005

Signature of Inventor: Harald John
Harald JOHN

Date: 09. Sept. 2005

Signature of Inventor: Rudolf Richter
Rudolf RICHTER

Date: 17. Sept. 2005

Signature of Inventor: Markus Meyer
Markus MEYER

Date: 2005-09-09

Signature of Inventor: Wolf Georg Forssmann
Wolf Georg FORSSMANN

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